

[Shri P. Venkatasubbaiah]

Not even drinking water is available in some places and even a pot of water is sold at Rs. 3. They have no food and they have no water. The Central Government's assistance is not adequate at all.

MR. SPEAKER: You may go through the statement laid on the Table of the House. Part four relates to Andhra. Kindly read the statement and then you may take it up on Monday, if there is anything.

श्री हुकम चन्द कछवाय (मुरेना) :
अध्यक्ष महोदय, मध्य प्रदेश, बिहार और राजस्थान में भी सूखा पड़ा हुआ है। मंत्री महोदय ने उन के बारे में क्या कहा है? आप मंत्री महोदय को कहें कि वह वक्तव्य को पढ़ दें।

SHRI B. N. REDDY (Niryalguda): Andhra Pradesh Government has asked certain help from the Central Government. What amount has been sanctioned by the Central Government? At least this much should be answered by the hon. Minister.

MR. SPEAKER: I am not allowing questions on the statement.

11.31 hrs.

STATEMENT RE. ALLEGED HARASSMENT AND ILL-TREATMENT OF MEMBER

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT): I beg to lay a statement regarding the alleged harassment and ill-treatment meted out to Shri Ajit Kumar Saha, M.P. by the Railway Staff and Police at Asansol Railway Station on the 29th June, 1972.

Statement

A copy of the letter dated 1-7-1972 from Shri Ajit Kumar Saha, MP, addressed to the Speaker was forwarded to us for obtaining a factual report on the complaint made therein regarding harassment and ill-treatment meted out to him by the railway staff and police at Asansol Railway Station on the 29th June, 1972. The Ministry of Railways and the Government of West Bengal were requested to furnish a factual report on the subject. The Ministry of Railways obtained a report from the General Manager, Eastern Railway. The Government of West Bengal got an inquiry made into the matter by the Executive Magistrate I Class, Asansol. Copies of these

reports were furnished to the Lok Sabha Secretariat, who had made them available also to Shri Saha.

2. According to information received from the Government of West Bengal, one Shri Krishna Kanta Dutta S/o late Bijoy Gopal Dutta is being prosecuted under section 182 IPC for allegedly giving false information with the intent to cause a public servant to use his lawful power to the injury of another person and the criminal case is sub-judice in a court of competent jurisdiction.

3. Shri Ajit Kumar Saha has made some further observations on the reports received from the Government of West Bengal and the Ministry of Railways. Since a criminal case arising out of this matter is sub-judice, I would like to refrain from making any further statement on the subject.

SHRI AJIT KUMAR SAHA (Vishnupur): The Police has filed a case against Mr. Krishna Kant Datta and the matter is *sub-judice* and I do not want to say anything about Mr. Datta's action. But I made certain serious charges against certain railway officials and police who had harassed me beyond limit, who prevented me from making the journey and to fulfil Parliamentary assignments. But in the statement the hon. Minister has not said anything about these police and railway officers, what action has been taken against them.

SHRI K. C. PANT: In the statement I have explained the whole position. The letter has been written by Mr. Saha to you. We have made enquires and the report came from the General Manager, Eastern Railway. There was the report from the West Bengal Government.

SHRI JYOTIRMOY BOSU: (Diamond Harbour): Do you take it as gospel truth?

SHRI K. C. PANT: The First-class Magistrate, Asansol has sent a report. All the reports were sent to you and you were good enough to send all these reports to the hon. Member. He has gone through the report. According to the information sent to us from the Government of West Bengal, one Shri Krishna Kant Datta is being prosecuted under sec. 182 I.P.C. for allegedly giving false information with the intent to cause a public servant to use his lawful powers to the injury of another person and the criminal case is *sub-judice* in a court of competent jurisdiction.

It is for that reason that I have said that at this stage I could not give any further facts.

SHRI JYOTIRMOY BOSU: I have written to you earlier about this. There are two things involved here. *Prima facie* it has been established that a case lies in favour of Shri Ajit Kumar Saha. Secondly, are we to ask the railways to sit on judgment on their own activities? Are we to ask the West Bengal Government to set in judgment on their own activities? . . .

MR. SPEAKER: It has gone to a magistrate now.

SHRI JYOTIRMOY BOSU: So, let it be referred to the Privileges Committee.

MR. SPEAKER: It has gone for judicial inquiry . . .

SHRI JYOTIRMOY BOSU: I have studied the report very carefully and I find that . . .

MR. SPEAKER: When the report came from the railways and other officers, it was sent to the Member.

SHRI JYOTIRMOY BOSU: We do not agree with the report.

MR. SPEAKER: The Member may not agree. But now this case has been referred for judicial inquiry.

SHRI JYOTIRMOY BOSU: No.

MR. SPEAKER: It is a regular prosecution against the man who gave wrong information.

SHRI DINEN BHATTACHARYYA (Serampore): Nowhere do we find that in the statement.

MR. SPEAKER: The Member met me and said that he was not satisfied. Now, there is a prosecution pending, a criminal case pending against the man who gave wrong information about the Member. I think the hon. Member should be more than satisfied. If they want to question everything . . .

SHRI S. A. SHAMIM (Srinagar): The complaint is regarding the railway officers and not about any private person.

MR. SPEAKER: The whole thing will start from that prosecution. They are all inter-connected.

SHRI JYOTIRMOY BOSU: No. I had written to you seeking your kind permission to make a submission. Kindly give me two minutes, and I shall sit down before the lapse of two minutes.

There are three things involved. One is complaint against the railway staff. The second is complaint against the Asansol GRP. The third is complaint against Shri

Dutta of Bankura. The case has been started against Shri Dutta of Bankura. The matter relating to that is *sub judice*, and we shall say nothing against that Dutta or about that case. But what about the railway persons and the police persons who had tried their best to prevent him from performing the journey to come to Parliament to attend to his duties? This is a very serious case of breach of privilege. Therefore, I submit that the matter should go to the Privileges Committee. I would like to make one further submission. You in your wisdom, Sir, have decided in this manner I have no bitter mouth. But Shri C. M. Stephen's privilege motion had been readily admitted, but here is a case where a real privilege arises, and we have been sitting over it for two months. This is my submission, and I leave it to you.

MR. SPEAKER: So far as that gentleman is concerned, who gave wrong information about the Member, there is a prosecution pending against him.

SHRI DINEN BHATTACHARYYA: What about the railway officials?

SHRI SEZHIYAN (Kumbakonam): There are two or three persons involved in this.

SHRI K. C. PANT: I would like to remove whatever doubts may remain in the matter. As you, Sir, have yourself observed. . .

SHRI JYOTIRMOY BOSU: Protector of the police.

SHRI K. C. PANT: . . . a case is pending in a court of competent jurisdiction, against Shri Krishna Kant Dutta. The crux of the matter is that somebody makes a wrong complaint that a person in the first class waiting room is not an MP, and he makes a written complaint; thereafter, the railway people and the police try to ascertain whether it is a fact or not. Ultimately, the police are satisfied, and the Member proceeds on his journey. Now, I cannot go into all these things because the basic point is before a court of law . . .

SHRI JYOTIRMOY BOSU: No.

SHRI K. C. PANT: The basic point is before a court a law. And a written complaint has been made. Suppose no inquiry had been made by the railway officers or by the police, then the House would have been right in asking why they did not make any inquiry after a written complaint had been made. This is obvious.

SHRI INDRAJIT GUPTA (Alipore): This is not at all satisfactory. What the hon. Minister has said is not at all satisfactory. The question of somebody having

[Shri Indrajit Gupta]

given false information has been referred to a court for inquiry. That matter is *sub judice*. Then, an hon. Member of this House had made a specific complaint that he had been ill-treated and harassed and obstructed. His identity card was shown. . .

SHRI JYOTIRMOY BOSU: His identity card was seized and torn; its cover was torn.

SHRI INDRAJIT GUPTA: Here was an hon. Member of the House who was proceeding on his journey to Delhi to attend the session of Parliament. That matter has not been referred to any court for inquiry. The hon. Minister has simply stated here that some reports had been called for and have been received from the Ministry of Railways and the State Government.

But these have been shown to the hon. member concerned and he is not satisfied. He thinks that that is not a correct statement of fact. What is to be done on that portion of it? The Committee on privileges can make an inquiry on which we will have some confidence and let them come to a conclusion on the basis of the facts which are obtainable by them.

SHRI SHYAMNANDAN MISHRA (Begusarai): There are three offences. On one, action is being taken, and we are satisfied to that extent that action is being taken in respect of one offence. But what about the other two offences, when certain police officials and railway authorities misbehaved with the hon. member?

SHRI JYOTIRMOY BOSU: Deliberately.

SHRI SHYAMNANDAN MISHRA: This is distinct from the other offence. Whether that action on one offence can delay action on the other offences is a joint for you to consider.

The third offence is that there has been a breach of privilege. This is a matter with which Parliament and its Privileges Committee are directly concerned. How can we shirk our responsibility in this matter? As the Parliament of India, how can we shirk it? It should be referred to the Privileges Committee.

SHRI S. A. SHAMIM: What are the functions of the Privileges Committee? In such cases if the police or judicial magistrate or anybody else should take cognisance, then we must dispense with the services of the Privileges Committee. In this case of by the Privileges Committee, every private person will call for every MP's identity card and the police will harass the MP. Once the identity card was looked into, that should have been accepted and the complaint lodged should have been proceeded with. Here he came in multi.

When he said, 'I am an officer' he was asked, 'Where is your uniform?'. Then he showed his pistol. All these acts are separate. We are not concerned with Shri Dutta or whoever it is. We are really concerned with the behaviour of the railway officials and the police officials. That is what comes within the purview of the Privileges Committee.

MR. SPEAKER: Do not make it a matter of debate.

SHRI SEZHIAN: This is *prima facie* a matter of privilege and should be referred to the Committee of Privileges. Irrespective of the fact whether there is a departmental action being taken or departmental inquiry going on, the Speaker must *suo motu* refer this to the Privileges Committee, without waiting for any further report. A *prima facie* case has been established, there need not be any delay and it should straightway go to the Privileges Committee.

SHRI R. S. PANDEY (Rajanandgaon): I do agree with Shri Shamim. . .

MR. SPEAKER: I quite agree there are three parts to it. The whole thing started with the action of Shri Dutta. He gave an information to the police. The second is that when the police were so informed, they should have exercised a bit of their own sense also in ascertaining the fact.

SHRI R. V. BADE (Khargone): Identity card was shown.

MR. SPEAKER: The third one is obstruction caused to the member. One matter concerning the first, wrong information given about the member, is already under investigation. About the other two, I will see it again. I will re-examine it and also see what is the position, when one part is already under investigation. Or if we can wait, let this matter be an open issue, no decision on it; let us see what comes out of the first part.

SOME HON. MEMBERS: No, no.

SHRI R. R. SHARMA (Banda): The other two matters should not be delayed.

MR. SPEAKER: If that judicial inquiry takes one view and your Privileges Committee takes another view, I will have to separate them (*interruptions*).

I will have to examine it. I cannot give an off-hand opinion on it.

SHRI JYOTIRMOY BOSU: On Monday.

MR. SPEAKER: Not so quickly. (*Interruption*). No please. Do not be speedy in everything. After all, I have to see and examine it.

DR. KAILAS (Bombay South): All the three points which you have rightly mentioned are going to be inter-connected. (*Interruption*).

SHRI R. S. PANDEY: Sir,—

MR. SPEAKER: Order please. Dr. Kailas and Mr. Pandey, do not take it that if something comes from the Opposition, it must be opposed. It is a question of right of all the Members.

DR. KAILAS: I was only trying to support their point.

MR. SPEAKER: The question is of a very wide range. If something may happen to you tomorrow or something may happen to others, it is a matter that affects very much the rights and privileges of Members. Please see that such matters are decided as above-party issue.

SHRI R. V. SWAMINATHAN (Madurai): Sir, why can't you decide the matter? Why do you wait? You can decide it. You have advised us that we should not oppose everything that comes from the Opposition. We take your advice. This is a matter which you yourself can decide.

MR. SPEAKER: I am going to examine it. It is a question concerning the privileges of the Members. Tomorrow, something may happen this side also. (*Interruption*).

SHRI R. S. PANDEY: Just one minute. I do appreciate, and I agree with you. I do appreciate the sentiments expressed by the Opposition. It is not a question of Treasury Benches *versus* the opposition. The question is, how to protect the rights of and privileges of Members. If any misbehaviour takes place on the part of the authority concerned, you being the custodian have to safeguard the interests of the Members. If there is something wrong, the authority should report it to you. You are the supreme person so far as the interests of the Members are concerned. What is a judicial enquiry? When a judicial enquiry starts, the matter becomes *sub judice*. So long as you are the custodian of the House, we have got every right to come to you and nobody else.

MR. SPEAKER: Mr. Swaminathan, what did you say? I did not quite catch you.

SHRI R. V. SWAMINATHAN: My point is, we take your advice. You have given us a very sane advice. I want that you should decide on this matter. After all, it is a very simple one. You can refer it to the Privileges Committee. Nothing stands against such a procedure.

SHRI DINESH SINGH (Pratapgarh): This is really not a matter for the House

to consider. It has been brought to your notice and you can *sou motu* send it to the Privileges Committee. The opinion of the House, as I could see, is quite clear, that it should go the Privileges Committee. Even if there is some question involved about another committee looking into it, I am sure the Privileges Committee will see that they do not trespass into any other matter.

SHRI S. M. BANERJEE (Kanpur): Let us move a motion. (*Interruption*).

MR. SPEAKER: Kindly sit down. You are always ready for moving a motion. Now, I want to examine how to separate that part which has already gone under another jurisdiction or is *sub judice*, and the other part, so that there may be no clash between the two. We will try to put it in such a way. Let me examine it. I do not commit myself, but I will examine it.

11.49 hrs.

PETITION RE. PRESERVATION OF
FREEDOM OF PRESS

SHRI JYOTIRMOY BOSU (Diamond Harbour): I beg to present a petition signed by Sarvashri Dilip Chakraborty and Jayanta Kumar Gan, Editor and Printer and Publisher, respectively, of the Bengali news weekly *Bangla Desh*, Calcutta, regarding preservation of the freedom of Press.

MR. SPEAKER: I do not know how these items have started coming on the agenda. Kindly bring your petition to me in my Chamber.

SHRI JYOTIRMOY BOSU: You were not there.

MR. SPEAKER: I am always there.

11.50 hrs.

RE. BUSINESS OF THE HOUSE

THE MINISTER OF PARLIAMENTARY

AFFAIRS AND SHIPPING AND TRANS-

PORT (SHRI RAJ BAHADUR): Sir,

certain important items of business are still pending. Besides certain Members belonging to the Scheduled Castes and Tribes in this House have sent in a letter saying that they feel that the time allotted for discussion on the report of the commissioner for Scheduled Castes and Tribes is short. They therefore request that at least ten hours should be allotted for discussion. You may kindly consider this point also.

MR. SPEAKER: It is for you to consider; I am not in the picture.

SHRI RAJ BAHADUR: For all these reasons I have consulted my friends in the Opposition—we may sit on Monday also.